

In re Application of : Bradford C. Webb
Serial No: : 08/870,199
Filed : June 5, 1997

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REMARKS/ARGUMENTS

This Amendment is responsive to the Examiner's Answer mailed September 11, 2009 for which the two-month period for reply is November 11, 2009. The Examiner's Answer (page 4) indicates that claims 1-12 and 24-54 are considered allowable.

In order to advance prosecution of this case, Appellant has filed this Amendment as a separate paper pursuant to 37 CFR 41.33 and MPEP 1206. The Amendment cancels claims 13-23 and does not affect the scope of any other claim in the proceeding. Appellant reserves all rights to continue prosecution of claims 13-23 in a continuation application. Appellant respectfully requests entry of this Amendment.

Appellant further proposes that a Supplemental Declaration pursuant to MPEP 1414.01 will be filed once the reissue application is indicated to be in condition for allowance.

Appellant has separately filed herewith a Reply Brief responsive to the Examiner's September 11, 2009 Answer in the event that entry of this Amendment is denied.

Conclusion

Appellant believes no further fee is due. However, in the event further fees are due, the Commissioner is authorized to charge any fees which may be required or to credit any overpayment to Deposit Account No. 01-0682 in the name of Alcon, Inc.

Respectfully submitted,

November 11, 2009
Date

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